

July 7, 2009

VIA Electronic Mail and Fax

Honorable Jeff Sessions
Ranking Member, United States Senate Judiciary Committee
335 Russell Senate Office Building
Washington, DC 20510

Dear Senator Sessions:

Recent news reports have conveyed your comments regarding Judge Sotomayor's role while on the Board of Directors of the Puerto Rican Legal Defense and Education Fund (PRLDEF), made on June 23, 2009 on the Senate Floor and in subsequent press releases. The undersigned have served on the PRLDEF Board and are familiar with Judge Sonia Sotomayor's voluntary service with that organization. As former colleagues of Judge Sotomayor, we write to provide you with information and clarification as to the role and function of PRLDEF's Board of Directors and of Judge Sotomayor's role as a member of the Board.

PRLDEF is a non-profit, non-partisan organization created in 1972 to provide a legal voice to the Latino community. The PRLDEF Board of Directors is a voluntary Board comprised of outstanding members of the Legal and Civic community. In addition to the signatories below, past directors of PRLDEF include the Honorable Jose Cabranes of the United States Court of Appeals for the Second Circuit, former Senator Jacob Javits, former Congressman Herman Badillo, now a Senior Fellow at the Manhattan Institute, and former United States Attorney General Nicholas deB. Katzenbach. Through the years, PRLDEF Board members have brought to the organization a commitment to excellence in keeping with the organization's mission: to use the power of the law and education to create a more equitable society. Financial support for PRLDEF comes from widely regarded foundations such as Ford, Carnegie and United Way, and corporations, including TimeWarner and Chevron Texaco.

The Board contributes to the organization in three major areas: (1) assisting the organization in securing financial support by participating in fundraising activities; (2) overseeing the organization's programs, including providing general policy direction and ensuring adequate staffing and resources; and (3) creating and periodically updating the organization's strategic planning, and evaluating the President and General Counsel in its implementation. The Board has a number of Committees and Board members often serve on several Committees. Service on Committees is similar to general Board service, with a more specific focus on a particular aspect

of the organization. The Board normally met three or four times a year, and Committees of the Board met on an as needed basis throughout the year.

Neither the Board as a whole nor any individual member selects litigation to be undertaken or controls ongoing litigation. In fact, ABA Model Code 6.03 provides that Board members have no attorney-client relationship with the clients of a legal services organization and therefore do not control the activities of staff lawyers in individual cases. The Board's role is thus limited to overall policy questions such as whether to emphasize employment, housing, or education. Operational decisions were and are appropriately delegated to the organization's President and General Counsel; the President reported generally on the organization's docket at Board meetings. Judge Sotomayor, and the full Board, understood their advisory role and did not step outside of that role. Understanding this factual context, we hope you will see that your description that "Judge Sotomayor served in senior leadership roles" at PRLDEF is a mischaracterization.

PRLDEF is a traditional civil rights organization squarely in the mold of the NAACP LDF, the Lawyers Committee for Civil Rights under Law, the Mexican American Legal Defense Fund (MALDEF), the Asian American Justice Center, the National Women's Law Center, and the National Partnership for Women and Families, among others. We are proud to have served on the Board of this organization that has aided Latinos to succeed in school, the work place and help to make the American Dream a reality for all Americans.

We stand available to answer any questions or respond to requests the Senate Judiciary may have for us. Judge Sonia Sotomayor is a colleague who has served our Nation, not only as a prosecutor, private practice attorney and judge, but also through her commitment to community and civic service.

Sincerely,

Mari Carmen Aponte
Former Executive Director, Puerto Rico Federal Affairs Administration

Sandra Ruiz Butter
Former President, VIP Community Services

Ernest J. Collazo
Collazo Carling & Mish LLP

George A. Davidson
Hughes Hubbard & Reed LLP

Dr. Ricardo Fernandez
President, Lehman College, City University of New York

Andres V. Gil
Davis, Polk & Wardwell, LLP

Ambassador Gabriel Guerra-Mondragon
Former U.S. Ambassador to Chile

Dorothy James
Former Provost and Dean of Faculty, Connecticut College

Harold S. Lewis Jr.
Walter F. George Professor of Law, Mercer University Walter F. George School of Law

Benito Romano
Freshfields Bruckhaus Deringer LLP

Judah C. Sommer
Senior Vice President, UnitedHealth Group, Inc.

Affiliation for Identification Purposes Only

cc: Honorable Patrick Leahy
Chairman, United States Senate Judiciary Committee